

REMARKS

Applicant submits this Response in response to the (final) Office Action mailed December 2, 2004. Applicant has proposed amendment to claims 1, 2 and 12, and cancellation of claims 18-21. Claims 1-7 and 9-17 are currently pending. No new matter has been added. Applicant believes that the proposed amendments and cancellations place the present application in condition for allowance, and therefore should be entered by the Examiner under 37 C.F.R. § 1.116, as discussed further below.

In the Office Action: (1) claims 1-7, 9, 12-16 and 21 were objected to for informalities; (2) claims 18-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,647,008 to Galand et al. ("Galand"); and (3) claims 10-11 and 17 were allowed. Applicant thanks the Examiner for the indication that claims 10, 11 and 17 are allowable as presented. Applicant respectfully requests that the Examiner withdraw the objections and rejections to the remaining claims based on the amendments to the claims and for the reasons discussed below.

Objections to Claims 1-7, 9, 12-16 and 21

In ¶ 1 of the Office Action, the Examiner has objected to claims 1-7, 9, 12-16 and 21 for various informalities. Specifically, in claim 1, the Examiner has suggested that Applicant change the phrase "varying a number of active sources" to "a varying number of active sources." Applicant has corrected claim 1 accordingly. In claim 2, the Examiner has suggested that Applicant delete the phrase "plurality of." Applicant has corrected claim 2 accordingly. In claim 12, the Examiner has suggested that Applicant amend the claim to recite "where N is an integer greater than one." Applicant has amended claim 12 accordingly. In claim 21, the Examiner has suggested the insertion of "the" before "determining." As Applicant has cancelled claim 21, the objection is moot as to this claim. Based on these amendments, Applicant respectfully requests that the Examiner withdraw the objections to claims 1-7, 9, 12-16 and 21.¹ Furthermore, Applicant respectfully requests that the Examiner allow claims 1-7, 9 and 12-16 since the

¹ Claims 3-7, 9 and 13-16 appear to have been objected to solely due to their dependency from an objected claim. Applicant believes that the objections to these claims are overcome by the corrections to claims 1, 2 and 12. If this is not the case, Applicant requests a communication with the Examiner to address any additional objections.

Examiner indicated that they would be allowable if rewritten or amended to overcome the objections set forth in the Office Action.


Rejection of Claims 18-21

In ¶¶ 2-3 of the Office Action, the Examiner has rejected claims 18-21 under 35 U.S.C. §102(e) as being anticipated by Galand. In an effort to expedite issuance of a patent on the subject matter of this application, Applicant has cancelled claims 18-21, without prejudice to, or disclaimer of, the subject matter recited in these claims. Applicant reserves its rights to re-present these claims as part of a continuation application to the present application. At this time, Applicant does not address (or concur with) any of the Examiner's assertions concerning the scope of the description in Galand, the scope of claims 18-21 or the applicability of the description in Galand to claims 18-21, and reserves the right to address such assertions in such continuation application.

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests that the Examiner pass this application to issue. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues.

Respectfully submitted,

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